

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 659*

House Bill No. 1168

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 9, is amended by adding the following as a new, appropriately designated section:

- (a) It is an offense for a person to knowingly possess a child-like sex doll.
- (b) It is an offense for a person to knowingly sell or distribute a child-like sex doll.
- (c) It is an offense for a person to knowingly transport a child-like sex doll into this state or within this state with the intent to sell or distribute the child-like sex doll.
- (d) As used in this section, "child-like sex doll" means an obscene anatomically correct doll, mannequin, or robot that is intended for sexual stimulation or gratification and that has the features of, or has features that resemble those of, a minor.
- (e) A violation of subsection (a) is a Class A misdemeanor.
- (f) A violation of subsection (b) or (c) is a Class E felony, and in addition, notwithstanding § 40-35-111, a violator shall be fined an amount not less than ten thousand dollars (\$10,000) nor more than fifty thousand dollars (\$50,000).

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to violations occurring on or after that date.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1409

House Bill No. 716*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-401, is amended by adding the following as new subdivisions:

(4) The drug concentration in the person's blood includes any amount or active metabolite of a Schedule I controlled substance, as defined in §§ 39-17-405 and 39-17-406, or any amount or active metabolite of a controlled substance analogue, as defined in § 39-17-454;

(5) The drug concentration in the person's blood includes any amount or active metabolite of one (1) of the following substances for which the person does not have an active current valid prescription issued by a licensed healthcare practitioner authorized to prescribe by the laws of the state:

(A) A Schedule II controlled substance, as defined in §§ 39-17-407 and 39-17-408;

(B) A Schedule III controlled substance, as defined in §§ 39-17-409 and 39-17-410;

(C) A Schedule IV controlled substance, as defined in §§ 39-17-411 and 39-17-412; or

(D) A Schedule V controlled substance, as defined in §§ 39-17-413 and 39-17-414; or

(6) The person's blood includes any detectable amount or active metabolite of delta-9-tetrahydrocannabinol (THC).



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SECTION 2. Tennessee Code Annotated, Section 55-10-409(c)(1), is amended by adding the following as a new subdivision (G) and redesignating existing subdivision (G) accordingly:

(G) The person's regular physician and the person's child's regular physician;
and

SECTION 3. Tennessee Code Annotated, Section 55-50-502(c)(3)(C), is amended by adding the following as a new subdivision (vii) and redesignating existing subdivision (vii) accordingly:

(vii) The person's regular physician and the person's child's regular physician;
and

SECTION 4. Section 1 of this act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to violations occurring on or after that date. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 534*

House Bill No. 799

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-15-501(6), is amended by adding the following language as a new subdivision:

(D) The use of a telephone or other electronic or communication device, including email communication, pop-up advertisements, and websites, for the purpose of fraudulently or deceptively obtaining or attempting to obtain money, property, personal or financial information, or another thing of value from an elderly adult or fraudulently or deceptively offering to provide goods or services to an elderly adult;

SECTION 2. Tennessee Code Annotated, Section 39-15-502, is amended by designating the language of subsection (b) as (b)(1) and adding the following new subdivision (b)(2):

(2)

(A) If the violation of this section involves financial exploitation as defined in § 39-15-501(6)(D), and the person obtains money, property, or another thing of value from an elderly adult, the value of the theft shall be the amount of money, property, personal or financial information, or another thing of value actually obtained and the violation shall be punished two (2) classifications higher than is otherwise provided in § 39-14-105.

(B) If the violation of this section involves financial exploitation as defined in § 39-15-501(6)(D) but the person does not obtain money, property, personal or financial information, or another thing of value from an elderly adult, the value of



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the theft shall be the amount of money, property, personal or financial information, or another thing of value the person attempted to obtain and the violation shall be punished one (1) classification higher than is otherwise provided in § 39-14-105.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.

Signature of Sponsor

AMEND Senate Bill No. 1064

House Bill No. 507*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 14, Part 2, is amended by adding the following language as a new, appropriately designated section:

(a) Effective October 1, 2019, there are created three (3) additional assistant public defender positions to be designated in judicial districts as provided in this section.

(b)

(1) The district public defenders conference shall prepare a report with recommendations regarding the specific judicial districts in which the additional assistant district public defender positions created pursuant to subsection (a) should be designated.

(2) By October 1, 2019, the executive director of the district public defenders conference shall file the report prepared pursuant to subdivision (b)(1) with the speakers of the senate and the house of representatives. Upon the filing of the report, the district public defenders recommended by the report to receive additional assistant positions shall be authorized to interview and employ persons to fill the positions.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 985*

House Bill No. 1449

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-103, is amended by adding the following as a new subdivision (7):

(7) Available community-based alternatives to confinement and the benefits that imposing such alternatives may provide to the community should be considered when the offense is nonviolent and the defendant is the primary caregiver of a dependent child.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 894*

House Bill No. 1418

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) As used in this section, "RFID" means a radio frequency identification device.

(b) No elementary or secondary school operating in this state shall require any person, including students, personnel, volunteers, or visitors, to have an RFID implanted into the person in order to enter the school or the school's grounds.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "RFID" means a radio frequency identification device.

(b) No postsecondary institution operating in this state shall require any person, including students, personnel, volunteers, or visitors, to have an RFID implanted into the person in order to enter the institution or the institution's grounds.

(c) No student organization operating under the sanction of the institution shall require any person to have an RFID implanted into the person in order to become a member of the organization.

SECTION 3. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Employee" means any individual for whom an employer must complete a Form I-9 pursuant to federal law and regulations;



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(2) "Employer" means private employers and governmental entities; and

(3) "RFID" means a radio frequency identification device.

(b) No employer shall require any employee to have an RFID implanted into the person in order to work for the employer.

(c) No contractor shall require any subcontractor to have an RFID implanted into the subcontractor in order for the subcontractor to work for, or by contract with, the contractor.

SECTION 4. Tennessee Code Annotated, Section 39-13-102, is amended by adding the following language as a new subsection (f):

(f) A person commits aggravated assault who inserts a radio frequency identification device into any individual without the consent of the individual.

SECTION 5. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subdivision (e)(1)(A)(iv) and substituting instead the following:

(iv) Subsection (b), (c), or (f) is a Class C felony.

SECTION 6. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to violations occurring on or after that date.

Amendment No. _____

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Comm. Amdt. _____

AMEND Senate Bill No. 1277

House Bill No. 852*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-202, is amended by deleting subsections (d) and (e).

SECTION 2. Tennessee Code Annotated, Section 39-14-202, is amended by deleting subsection (g) and substituting instead the following:

(g)

(1) A first conviction for cruelty to animals under this section is a Class A misdemeanor. Any person violating this section, shall, upon conviction for the first offense, be sentenced to serve in the county jail or workhouse not less than forty-eight (48) hours continuous confinement nor more than eleven (11) months, twenty-nine (29) days. Additionally, a person convicted for a first offense violation of this section shall be fined not less than three hundred fifty dollars (\$350) nor more than one thousand five hundred dollars (\$1,500).

(2) Any person violating this section, upon conviction for a second offense, commits a Class E felony and shall be sentenced to serve not less than forty-five (45) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class E felony. Additionally, a person convicted for a second offense violation of this section shall be fined not less than six hundred dollars (\$600) nor more than three thousand five hundred dollars (\$3,500).



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(3) Any person violating this section, upon conviction for a third offense, commits a Class D felony and shall be sentenced to serve not less than one hundred twenty (120) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class D felony. Additionally, a person convicted for a third violation of this section shall be fined not less than one thousand one hundred dollars (\$1,100) nor more than ten thousand dollars (\$10,000).

(4) Any person violating this section, upon conviction for a fourth or subsequent offense, commits a Class C felony and shall be sentenced to serve not less than one hundred eighty (180) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class C felony. Additionally, a person convicted for a fourth or subsequent violation of this section shall be fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

SECTION 3. Tennessee Code Annotated, Section 39-14-203, is amended by deleting subsections (c) and (d) and substituting instead the following:

(c)

(1) Except for any offense involving a cock, any person violating subdivision (a)(1), (a)(2), or (a)(3) commits a Class C felony and shall be sentenced to serve not less than one hundred eighty (180) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class C felony. Additionally, except for any offense involving a cock, a person convicted for a violation of subdivision (a)(1), (a)(2), or (a)(3) shall be fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

(2) An offense involving a cock under subdivisions (a)(1)-(3) is a Class A misdemeanor.

(d) A violation of subdivision (a)(4) or (a)(5) is a Class A misdemeanor punishable by the following sentences and fines:

(1) Upon conviction for a first offense, the person shall be sentenced to serve in the county jail or workhouse not less than forty-eight (48) consecutive hours nor more than eleven (11) months, twenty-nine (29) days and fined not less than three hundred fifty dollars (\$350) nor more than one thousand five hundred dollars (\$1,500);

(2) Upon conviction for a second offense, the person shall be sentenced to serve in the county jail or workhouse not less than ten (10) days nor more than eleven (11) months, twenty-nine (29) days and fined not less than six hundred dollars (\$600) nor more than two thousand five hundred dollars (\$2,500); and

(3) Upon conviction for a third or subsequent offense, the person shall be sentenced to serve in the county jail or workhouse not less than thirty (30) days nor more than eleven (11) months, twenty-nine (29) days and fined not less than one thousand one hundred dollars (\$1,100) nor more than two thousand five hundred dollars (\$2,500).

SECTION 4. Tennessee Code Annotated, Section 39-14-205, is amended by deleting the section and substituting instead the following:

(a)

(1) It is an offense to knowingly and unlawfully kill the animal of another without the owner's effective consent.

(2) Any person violating this section commits a Class C felony and shall be sentenced to serve not less than one hundred eighty (180) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class C felony.

(b) A person is justified in killing the animal of another if the person acted under a reasonable belief that the animal was creating an imminent danger of death or serious

bodily injury to that person or another or an imminent danger of death or serious bodily injury to an animal owned by that person. A person is not justified in killing the animal of another if at the time of the killing the person is trespassing upon the property of the owner of the animal. The justification for killing the animal of another authorized by this subsection (b) does not apply to a person who, while engaging in or attempting to escape from criminal conduct, kills an animal.

SECTION 5. Tennessee Code Annotated, Section 39-14-207, is amended by deleting subsection (b) and substituting instead the following:

(b) In case any animal is injured, diseased, suffering from the elements, or malnourished, and is found at large by any agent of any governmental animal control agency, law enforcement agency, county or city animal shelter, humane society incorporated under the laws of this state, or not-for-profit primarily organized for the well-being, protection, or rescue of animals and registered with this state, the agent may cause adequate veterinary treatment, shelter, or nourishment to be furnished to the animal. The organization with whom the agent is affiliated has a right of action against the owner of the animal for all reasonable expenses so incurred. Within forty-eight (48) hours after taking custody of the animal, the organization shall make reasonable efforts to notify the owner of the animal's whereabouts and condition. This subsection (b) does not affect the right of action of the veterinarian or furnisher of goods or services against the person or persons with whom the veterinarian or furnisher of goods or services contracted for payment of charges.

SECTION 6. Tennessee Code Annotated, Section 39-14-207, is amended by adding the following subsection:

(c) For purposes of the right of action against the owner of the animal for all necessary and reasonable expenses incurred, a governmental animal control agency, law enforcement agency, county or city animal shelter, humane society incorporated under the laws of this state, or not-for-profit primarily organized for the well-being,

protection, or rescue of animals and registered with this state shall be entitled to a mandatory minimum sum per animal that was treated, sheltered, or nourished, per day as follows:

- (1) Ten dollars (\$10.00) for a dog or cat;
- (2) Fifteen dollars (\$15.00) for an equine or livestock animal; and
- (3) Not less than ten dollars (\$10.00) for any other animal as the court determines.

SECTION 7. Tennessee Code Annotated, Section 39-14-208, is amended by deleting the section and substituting instead the following:

(a) As used in this section, "service animal" has the same meaning as defined in § 39-14-216(a).

(b) A person who knowingly injures the service animal of another and, thereby, permanently deprives the owner of the use of the service animal's services commits theft of that animal and shall be punished under § 39-14-105. In determining the value of the service animal for purposes of § 39-14-105, the court shall consider the following:

- (1) The cost of the service animal;
- (2) Training expenses of the service animal and handler; and
- (3) Veterinary and other medical and boarding expenses for the service animal.

(c) Notwithstanding subsection (b), any person who knowingly injures the service animal of another may additionally be charged, prosecuted, and convicted of any other applicable offense set forth in any other statute.

SECTION 8. Tennessee Code Annotated, Section 39-14-210, is amended by deleting subsection (e) and substituting instead the following:

(e) Any person, humane society, animal control agency, law enforcement agency, county or city animal shelter, or other similar organization, group, or not-for-profit business, recognized or organized under the laws of this state, and having for its

primary purpose the protection, rescue, and well-being of animals or responsible ownership of animals, and into whose care or custody shall lawfully come any animal by writing or verbal request of law enforcement in carrying out its duties, shall have a lien on that animal for the reasonable value of the goods and services necessarily rendered by, or at the instance of, the person or organization to the animal in an amount not less than the daily cost, per animal per day, as provided in subsection (h).

SECTION 9. Tennessee Code Annotated, Section 39-14-210, is amended by adding the following new subsections:

(h) A lien as set forth in subsection (e) or security as set forth in subsection (g) must be set at a mandatory minimum sum per animal per day as follows:

- (1) Ten dollars (\$10.00) for a dog or cat;
- (2) Fifteen dollars (\$15.00) for an equine or livestock animal; and
- (3) Not less than ten dollars (\$10.00) for any other animal as the court determines.

(i) If a person who is ordered to post security pursuant to subsection (g) wishes to pursue an appeal, the person is required to post the ordered security before proceeding with an appeal and the governmental animal control agency, law enforcement agency, or such agency's designee may draw from the security the actual costs incurred in caring and providing for the seized animal pending disposition of the appeal.

SECTION 10. Tennessee Code Annotated, Section 39-14-212, is amended by deleting subsection (d) and substituting instead the following:

(d) Any person violating this section, upon conviction, commits a Class C felony and shall be sentenced to serve not less than one hundred eighty (180) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class C felony. Additionally, a person convicted for a violation of this section shall be

fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

SECTION 11. Tennessee Code Annotated, Section 39-14-214, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) A violation of this section is a Class C felony. Any person violating this section, upon conviction, shall be sentenced to serve not less than one hundred eighty (180) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class C felony. Additionally, a person convicted for a violation of this section shall be fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

(c) The sentencing court shall order that the defendant undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.

SECTION 12. Tennessee Code Annotated, Section 39-14-214, is amended by deleting subsection (e) and subdivision (f)(1) and adding the following new subsection:

(g) Notwithstanding § 40-39-202(20), a violation of this section is a sexual offense and a person who is convicted of a violation of this section shall be deemed a sexual offender for purposes of the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act as set forth in title 40, chapter 39, part 2.

SECTION 13. Tennessee Code Annotated, Section 39-14-216, is amended by deleting subsection (b) and substituting instead the following:

(b) It is an offense to knowingly:

(1) Interfere with a service animal in the performance of its duties; or

(2) Permit an animal that the person owns or is in control of to interfere with a service animal in the performance of its duties.

SECTION 14. Tennessee Code Annotated, Section 39-14-216, is amended by deleting subsection (g) and substituting instead the following:

(g) Nothing in this section shall preclude prosecution and conviction for conduct involving a service animal under § 39-14-202, § 39-14-205, § 39-14-208, § 39-14-212, § 39-14-213, or § 39-14-214.

SECTION 15. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following new section:

(a) Whenever any person is taken into custody for violation of § 39-14-202, § 39-14-203, § 39-14-204, § 39-14-205, § 39-14-212, § 39-14-214, or § 39-14-217, the arresting agent shall seize any of the following animals owned by the person or in the possession, custody, or control of the person:

(1) Any animals that are the subject of the violation; and

(2) Any other animal that is believed to be at risk of being the subject of an offense listed in this subsection (a).

(b) Any animal seized pursuant to subdivision (a)(1) or (a)(2) must be placed in the custody of a governmental animal control agency or its designee, law enforcement agency or its designee, county or city animal shelter, society incorporated for the prevention of cruelty to animals, humane society incorporated under the laws of this state, or not-for-profit organization registered with this state for the rescue of animals in this state. The agency or organization taking custody shall assist the animal and preserve evidence for prosecution.

(c) A court making a sentencing determination for a person convicted of a violation of § 39-14-202, § 39-14-203, § 39-14-204, § 39-14-212, § 39-14-214, or § 39-14-217 shall order the person convicted to forfeit any animals whose treatment was the basis of the conviction to the agency, organization, or designee maintaining custody of the animals for disposition in accordance with reasonable practices for the humane treatment of animals.

(d)

(1)

(A) Any agency, organization, or designee into whose custody any animal under this part is placed may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security.

(B) The security posted pursuant to subdivision (d)(1)(A) shall be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the agency, organization, or designee in caring and providing for the animal pending disposition of criminal charges.

(C) Reasonable expenses include, but are not limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal.

(D) The amount of security shall be determined by the court after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection (d), then the agency, organization, or designee may draw from the security the actual costs incurred in caring and providing for the seized animals pending disposition of criminal charges.

(2) If the person from whom the animal is seized is the owner of the animal and the person has not posted the security ordered pursuant to this subsection (d) within ten (10) business days following the issuance of a security order, the animals shall be deemed to have been abandoned and shall be forfeited to the agency, organization, or designee for disposition in accordance with reasonable practices for the humane treatment of animals. However, if the person from whom the animal was seized is not the owner of the animal and the

person has not posted the court-ordered security within fifteen (15) business days, the court shall order the agency, organization, or designee to make all reasonable efforts to determine who the owner of the animal is and to notify the owner of the pending proceeding.

(3) An animal shall not be deemed to have been abandoned and forfeited to the agency, organization, or designee until reasonable attempts to determine and notify the owner have been made. If the owner of the animal cannot be located after reasonable efforts or the owner is located and notified but does not post, within ten (10) business days of notification, the court-ordered security required by this subsection (d) plus the costs reasonably incurred by the agency, organization, or designee for housing and caring for the animals since seizure, the animal shall be deemed to have been abandoned and shall be forfeited to the agency, organization, or designee for disposition in accordance with reasonable practices for the humane treatment of animals.

(4) This subsection (d) does not prevent the voluntary, permanent relinquishment of any animal by its owner to an agency, organization, or designee in lieu of posting security. The voluntary relinquishment has no effect on the outcome of the criminal charges.

(5) Security as set forth in this subsection (d) must be set at a mandatory minimum sum per animal per day as follows:

(A) Ten dollars (\$10.00) for a dog or cat;

(B) Fifteen dollars (\$15.00) for an equine or livestock animal; and

(C) Not less than ten dollars (\$10.00) for any other animal as the court determines.

(6) If a person, who is ordered to post security, wishes to pursue an appeal, the person must post the ordered security before proceeding with an appeal, and the governmental animal control agency, law enforcement agency,

or their designee may draw from the security the actual costs incurred in caring and providing for the seized animal pending disposition of the appeal.

SECTION 16. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following new section:

A court making a sentencing determination for a person convicted of a violation of § 39-14-202, § 39-14-203, § 39-14-205, § 39-14-212, § 39-14-213, § 39-14-214, or § 39-14-217 shall order the defendant to pay restitution to the owner of the animal for damages, including, but not limited to, the value of the animal, the cost of any specialized training the animal received, and any breeding revenues forfeited due to the death or injury of the animal.

SECTION 17. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following new section:

(a) Notwithstanding the terms authorized under § 40-35-111, a court making a sentencing determination for a person convicted of a violation of § 39-14-202, § 39-14-203, § 39-14-212, § 39-14-214, or § 39-14-217 shall prohibit the person from having custody of or residing in a household with any animal for a period of no less than five (5) years from entry of the judgment of conviction for a misdemeanor or a period of fifteen (15) years from entry of the judgment of conviction for a felony. The court may impose a longer prohibition including, when appropriate, a lifetime prohibition on having custody of or residing in a household with any animal.

(b) A person prohibited from possessing an animal pursuant to subsection (a) may file a motion with the sentencing court requesting a waiver of the prohibition. The person must file a sworn affidavit in support of the motion stating that:

(1) The person's conviction leading to the possession prohibition involved only livestock;

(2) Prior to the conviction triggering the prohibition, the person was the owner of a commercial livestock operation;

(3) The person has not been convicted, in the previous five (5) years, of a crime involving animals or domestic abuse, as defined in § 36-3-601, or a crime in which the victim was under eighteen (18) years of age; and

(4) The person's conviction was the result of:

(A) Criminal liability for the conduct of another person;

(B) Criminal liability of a corporation; or

(C) Animal neglect and the person's criminal conduct was not knowing or intentional.

(c) If a person files a motion and affidavit described in subsection (b), then the sentencing court shall hold a hearing. At the hearing, the sentencing court shall grant the motion if the person proves by clear and convincing evidence that:

(1) Continued enforcement of the prohibition against possessing livestock would result in substantial economic hardship that cannot otherwise be mitigated;

(2) The person no longer poses any risk to animals; and

(3) The person is capable of providing and willing to provide necessary, adequate, and appropriate levels of care for all livestock that would come within the person's custody or control if the petition is granted.

(d) When deciding a motion filed under subsection (b), the sentencing court may consider the person's financial circumstances and mental and physical health in determining whether the person is capable of adequately caring for livestock.

(e) If the sentencing court grants a motion described in subsection (b), the waiver of the prohibition against possessing animals applies only to livestock. The sentencing court shall order that, for five (5) years from the date of the order, the person must consent to reasonable inspections by law enforcement and the United States department of agriculture to ensure the welfare of the livestock under the person's custody or control. A refusal to consent to a reasonable inspection described in this

subsection (e) is contempt of court and, if the person is found in contempt, shall result in the sentencing court revoking the waiver of the possession prohibition.

(f) As used in this section, "commercial livestock operation" means a business engaged in the raising, breeding, or selling of livestock for profit.

(g) A violation of any prohibition or restriction imposed by the sentencing court pursuant to this section is a Class A misdemeanor punishable by forfeiture of any animals in the defendant's possession and the following:

(1) Upon conviction for the first offense, the person shall be sentenced to serve in the county jail or workhouse not less than forty-eight (48) consecutive hours nor more than eleven (11) months, twenty-nine (29) days and fined not less than three hundred fifty dollars (\$350) nor more than one thousand five hundred dollars (\$1,500);

(2) Upon conviction for the second offense, the person shall be sentenced to serve in the county jail or workhouse not less than ten (10) days nor more than eleven (11) months, twenty-nine (29) days and fined not less than six hundred dollars (\$600) nor more than two thousand five hundred dollars (\$2,500); or

(3) Upon conviction for a third or subsequent offense, the person shall be sentenced to serve in the county jail or workhouse not less than thirty (30) days nor more than eleven (11) months, twenty-nine (29) days and fined not less than one thousand one hundred dollars (\$1,100) nor more than two thousand five hundred dollars (\$2,500).

SECTION 18. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following new section:

Any fines imposed for a violation of this part shall be used to fund law enforcement agencies in the enforcement of animal welfare and protection laws set forth in this part, governmental animal control agencies, county and city animal shelters,

societies incorporated for the prevention of cruelty to animals, humane societies incorporated under the laws of this state, and not-for-profit organizations registered with this state for the rescue of animals in this state.

SECTION 19. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1410

House Bill No. 1453*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-419, is amended by deleting subsection (c) and substituting instead:

(c) Whenever a person ordered to install a device pursuant to § 55-10-409(b)(2), § 55-10-409(d)(2), § 55-10-417(a)(1), or § 55-10-417(k) asserts to the court that the person is indigent and financially unable to pay for a functioning ignition interlock device, transdermal monitoring device, other alternative drug and alcohol monitoring device, or global positioning monitoring device, the court shall determine the financial ability of the person to pay for such device and, thereafter, make a finding as to the indigency of such person.

SECTION 2. Tennessee Code Annotated, Section 55-10-419, is amended by deleting subsection (d) and substituting instead:

(d) A person is indigent and financially unable to pay for a functioning ignition interlock device, transdermal monitoring device, other alternative drug and alcohol monitoring device, or global positioning monitoring device if the person is receiving benefits from the supplemental nutrition assistance program (SNAP) as verified by the department of human services.

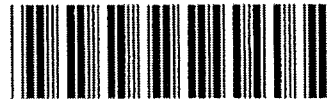
SECTION 3. Tennessee Code Annotated, Section 55-10-419, is amended by deleting subsection (e) and substituting instead:

(e)

(1) Every person who informs the court that the person is financially unable to pay for a functioning ignition interlock device, transdermal monitoring



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device, other alternative drug and alcohol monitoring device, or global positioning monitoring device is required to complete an affidavit of indigency designed by the administrative office of the courts for purposes of assisting the court in making its determination pursuant to subsections (c) and (e)(2).

(2) The court clerk shall electronically transmit the completed affidavit of indigency via email to the department of human services for verification. Upon receiving a completed affidavit of indigency from the court clerk, the department must verify whether or not a person is receiving benefits from the supplemental nutrition assistance program (SNAP) and electronically transmit the results of the verification process via email to the court clerk. The affidavit of indigency must be approved by the court clerk if the person is verified by the department of human services as receiving benefits from the supplemental nutrition assistance program and the person will be found to be indigent. If the department verifies that the person is not receiving benefits from the supplemental nutrition assistance program, the affidavit of indigency must be rejected by the court clerk and the person will not be found to be indigent.

(3) If a person intentionally misrepresents, falsifies, or withholds any information required by the affidavit of indigency, the person commits perjury under § 39-16-702.

SECTION 4. This act shall take effect July 1, 2019, the public welfare requiring it.